

REMARKS/ARGUMENTS

This paper is being provided in response to the Final Office Action dated July 26, 2006 for the above-referenced application. In this response, Applicant has amended Claims 1, 22, and 41, and added new Claims 63-65. Applicant respectfully submits that the amendments to the claims and the newly added claims are supported by the originally filed application.

The rejection of Claims 1-4, 22-25 and 41-44 and 46-52 under 35 U.S.C. § 102(e) as being unpatentable over Waldin et al (U.S. Patent No. 6,094,731 hereinafter referred to as “Waldin”) is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 1-4, 22-25 and 41-44 and 46-52, as amended herein, are patentable over the cited reference.

Claim 1, as amended herein, recites a computer implemented method of scanning a storage device for viruses, comprising: determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions without using information about a file structure, a file system, or a file type; and scanning at least parts of the physical portions for viruses, wherein scanning is performed without using directory information indicating which portions of the storage device are associated with a file, and without using information about a file structure, a file system, or a file type. Claims 2-4 depend from Claim 1.

Claim 22, as amended herein, recites a computer program product for scanning a storage device for viruses, the computer program product including a computer-readable medium with executable code stored thereon for: determining physical portions of the storage device that have

been modified since a previous virus scan using information about the physical portions without using information about a file structure, a file system, or a file type; and scanning at least parts of the physical portions for viruses, wherein the scanning is performed without using directory information indicating which portions of the storage device are associated with a file, and without using information about a file structure, a file system, or a file type. Claims 23-25 depend from Claim 22.

Claims 41, as amended herein, recites an antivirus unit, comprising: means for coupling to at least one storage device; means for determining physical portions of the storage device that have been modified since a previous virus scan using information about the physical portions without using information about a file structure, a file system, or a file type; and means for scanning at least parts of the physical portions for viruses, wherein scanning is performed without using directory information indicating which portions of the storage device are associated with a file, and without using information about a file structure, a file system, or a file type. Claims 42-44 and 46-52 depend from Claim 41.

Waldin discloses a system, method and computer readable medium for examining a file associated with an originating computer to determine whether a virus is present within the file. (See Abstract). Waldin discloses scanning a file and placing the identification number of each sector that is scanned into a critical sectors file. As each sector is operated upon, a hash value is calculated for that sector and inserted into the critical sectors file along with the size of the file scanned. (Col. 4, Lines 52-64; Figures 1 and 2). Waldin's Figure 3 determines if computed hash values for file 1 match stored hash values for file 1. If not, the entire file 1 is rescanned. (Steps 36, 37 of Figure 3; Col. 6, Lines 43-46; See also Col. 2, Lines 24-26). Waldin discloses

determining hash values for only those sectors of a file actually retrieved by module 5 of Figure 1. Module 3 of Waldin's Figure 1 always scans the same set of sectors of a file unless the file changes in length or the contents of those sectors changes in some way. The antivirus accelerator module 5 automatically hashes all sectors scanned by module 3 in the same way regardless of contents of the sectors. No new parser or hasher coding needs to be performed and incorporated into module 5 to support new file formats. (Col. 7, Line 35-Col. 8, Line 2).

Claim 1, as amended herein, is neither disclosed nor suggested by Waldin in that Waldin neither discloses nor suggests at least the features of *a computer implemented method of scanning a storage device for viruses, comprising: ... scanning at least parts of the physical portions for viruses, wherein scanning is performed without using directory information indicating which portions of the storage device are associated with a file, and without using information about a file structure, a file system, or a file type*, as set forth in amended Claim 1.

Applicant's amended Claim 1 recites, in part, *scanning at least parts of the physical portions for viruses, wherein scanning is performed without using directory information indicating which portions of the storage device are associated with a file*. The foregoing recited feature is described, for example, in the paragraph beginning on page 18, line 7 of the originally filed application. The scanning performed without regard to the file structure, file system or file types has an advantage in that it does not require directory information. The directory information is described, for example, in the paragraph beginning on page 17, line 17. The directory information may be used to map track and/or sector information to files.

In distinct contrast to Applicant's claimed invention as recited in Claim 1, Waldin discloses techniques that use information indicating which portions of the storage device are associated with a file. Waldin discloses use of information regarding which sectors are included in a file. (See, for example, Col. 4, Lines 45-62). Waldin discloses that when any computed hash value for a file fails to match a corresponding stored hash value for any sector, the entire file is rescanned. (See, for example, Col. 2, Lines 24-26; Col. 6, Lines 37-47; Step 37 Figures 3 and 5). In order to perform the foregoing file rescanning, Waldin uses information about which sectors are included in a file. Without use of such information, Applicant respectfully submits that Waldin cannot determine what data to scan. As such, Waldin neither discloses nor suggests *scanning at least parts of the physical portions for viruses, wherein scanning is performed without using directory information indicating which portions of the storage device are associated with a file...*, as set forth in Applicant's amended Claim 1.

In view of the foregoing, Applicant respectfully submits that the Waldin does not teach, disclose or suggest at least the foregoing recited features of Claim 1.

Applicant's amended independent Claims 22 and 41 recite features similar to those set forth above regarding Claim 1 that are neither disclosed nor suggested by Waldin. Thus, for reasons similar to those set forth regarding Claim 1, Applicant's Claims 22 and 41 are also neither disclosed nor suggested by Waldin.

In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

The rejection of Claims 5-7, 26-68 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Waldin is hereby traversed and reconsideration thereof is respectfully requested. Applicant respectfully submits that Claims 5-7, 26-28 and 45 are patentable over the cited reference.

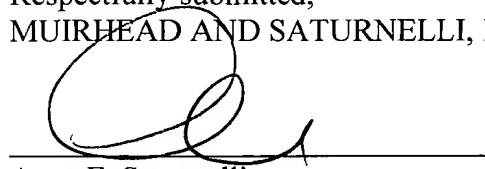
Claims 5-7 depend from Claim 1. Claims 26-28 depend from Claim 22. Claim 45 depends from Claim 41. For reasons set forth above, Waldin does not disclose or suggest independent Claims 1, 22 and 45 and also does not disclose or suggest Claims 5-7, 26-28 and 45 that depend, respectively, therefrom.

In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Applicant also respectfully submits that newly added Claims 63-65 are patentable over the cited references.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8604.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC



Anne E. Saturnelli
Registration No. 41,290

MUIRHEAD AND SATURNELLI, LLC
200 Friberg Parkway, Suite 1001
Westborough, MA 01581
Tel: (508) 898-8604
Fax: (508) 898-8602
Customer No.: 52427

Date: October 13, 2006